THE BOMBAY PARAGANA AND KULKARNI WATANS (ABOLITION) ACT, 1950.

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SCHEDULE I.

SCHEDULE II.

BOMBAY ACT No. LX OF 1950.[1]

[THE BOMBAY PARAGANA AND KULKARNI WATANS (ABOLITION) ACT, 1950.]

[*25th January 1951*]

Amended by Bom. 3 of 1952.
,, ,, ,, 38 of 1953.
,, ,, ,, 29 of 1954.
,, ,, ,, 50 of 1955.*

An Act to abolish Paragana and Kulkarni Watans in the State of Bombay.

WHEREAS—

(*1*) the services appertaining to the office of hereditary District (Paragana) officers [except [2][in cases referred to in clauses (*2*) and (*2A*)] below] and to the office of certain hereditary village accountants (Kulkarnis) have ceased to be performed ;

(*2*) the services appertaining to the Deshpande watan of Nimbayat mahal in Malegaon Taluka of the Nasik District in respect of which commutation settlement has not yet been effected, are no longer required ;

[3][(*2A*) the services appertaining to the Deshmukh watan of the Borpada Village in the Navapur Taluka of the West Khandesh District are no longer required ;]

(*3*) the services appertaining to the remaining hereditary village accountants' (Kulkarnis') watans also are no longer required to be performed ;

AND WHEREAS it is expedient in the interest of the administration of the State to abolish the Paragana and Kulkarni watans and to make provisions for the performance of functions of some of those offices ;

It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950.

(*2*) It extends to the whole of the State of Bombay excluding the merged territories.

(*3*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify in this behalf.

Definitions.

2. (*1*) In this Act unless there is anything repugnant in the subject or context,—

(*a*) " appointed day " means the day on which this Act comes into force ;

Bom. V of 1879. (*b*) " code " means the Bombay Land Revenue Code, 1879 ;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1950, Pt. V, pp.263, 264.
[2] This portion was substituted for the original by Bom. 50 of 1955, s. 2 (*1*).
[3] This clause was inserted, *ibid.*, s. 2(*2*).
*Section 8 of Bom. 50 of 1955, reads as follows :—

Amendments made by sections 4 and 5 to have retrospective effect.

8. The amendments made by sections 4 and 5 of this Act shall be deemed to have been made and come into force on the date on which the said Act came into force and shall always be deemed to have been made and in force from such date.

This Act has been amended in its application to the Deshmukh watan of the Borpada Village in the Navapur Taluka of the West Khandesh District, by section 7 of Bom. 50 of 1955.

[1][(*bb*) " Collector " includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;]

(*c*) " commutation settlement " means a settlement made or confirmed under the provisions of the Watan Act relieving the holder, his heirs and successors of the liability to perform the services appertaining to the watan ;

(*d*) " Kulkarni watan " means a watan appertaining to the office of a village accountant and includes a watan appertaining to the said office in respect of which a commutation settlement has been effected ;

(*e*) " Paragana watan " means a watan appertaining to the office of a hereditary District (Paragana) Officer in respect of which a commutation settlement has been effected and includes the Deshpande watan of the Nimbayat mahal in Malegaon Taluka of the Nasik District [2][and the Deshmukh watan of the Borpada Village in the Navapur Taluka of the West Khandesh District] ;

(*f*) " prescribed " means prescribed by rules made under this Act ;

(*g*) " Watan Act " means the Bombay Hereditary Offices Act, 1874 ; Bom. III of 1874.

(*k*) " Watan land " means the land forming part of the property of a Paragana or Kulkarni watan.

(*2*) The words and expressions used in this Act shall have the meanings assigned to them in the Watan Act and in the Code, as the case may be, notwithstanding the fact that the provisions of the said Act or Code may not be applicable.

Abolition of certain watans together with the right to office and incidents.

3. With effect from and on the appointed day, notwithstanding anything contained in any law, usage, settlement, grant, sanad or order—

(*1*) all Paragana and Kulkarni watans shall be deemed to have been abolished ;

(*2*) all rights to hold office and any liability to render service appertaining to the said watans are hereby extinguished ;

(*3*) subject to the provisions of section 4, all watan land is hereby resumed and shall be deemed to be subject to the payment of land revenue under the provisions of the Code and the rules made thereunder as if it were an unalienated land :

Provided that such resumption shall not affect the validity of any alienation of such watan land made in accordance with the provisions of section 5 of the Watan Act or the rights of an alienee thereof or any person claiming under or through him;

(*4*) all incidents appertaining to the said watans are hereby extinguished.

Holder of watan land to be occupant.

4. (*1*) A watan land resumed under the provisions of this Act shall [3][subject to the provisions of section 4A,] be regranted to the holder of the watan to which it appertained, on payment of the occupancy price equal to twelve times of the amount of the full assessment of such land within [4][five years] from the date of the coming into force of this Act and the holder shall be deemed to be an occupant within the meaning of the Code in respect of such land and shall primarily be liable to pay land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder ; all the provisions of the Code and rules relating to unalienated land shall, subject to the provisions of this Act, apply to the said land :

Provided that in respect of the watan land which has not been assigned towards the emoluments of the officiator, occupancy price equal to six times of the amount of the full assessment of such land shall be paid by the holder of the land for its regrant :

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[1] Clause (*bb*) was inserted by Bom. 38 of 1953, s. 3 and Second Schedule.
[2] These words were inserted by Bom. 50 of 1955, s. 3.
[3] These words, figure and letter were inserted, *ibid.* s. 4.
[4] These words were substituted for the words "Three years" by Bom. 29 of 1954, s. 2.

Provided further that if the holder fails to pay the occupancy price within the period of [1][five years] as provided in this section, he shall be deemed to be unauthorisedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(*2*) The occupancy of the land regranted under sub-section (*1*) shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

(*3*) Nothing in [2][sub-sections (*1*) and (*2*)] shall apply to any land—

(*a*) the commutation settlement in respect of which provides expressly that the land appertaining to the watan shall be alienable without the sanction of the State Government ; or

(*b*) which has been validly alienated with the sanction of the State Government under section 5 of the Watan Act.

Explanation.—For the purposes of this section the expression "holder" shall include—

(*i*) all persons who on the appointed day are the watandars of the same watan to which the land appertained, and

(*ii*) in the case of a watan the commutation settlement in respect of which permits the transfer of the land appertaining thereto, a person in whom the ownership of such land for the time being vests.

All public roads, etc., situate in a watan village to vest in State Government and not to be regranted to watandar.

[3][**4A.** For the removal of doubts, it is hereby declared that all public roads, lanes and paths, the bridges, ditches, dikes and fences, on or beside, the same, the bed of the sea and of harbours, creeks below high water mark, and of rivers, streams, nalas, lakes, wells and tanks and all canals and water courses, and all standing and flowing water, and all unbuilt village site lands, situate within the limits of a village or land which was held immediately before the coming into force of this Act, as a Kulkarni or Paragana watan shall, except in so far as any rights of any person other than the holder of the watan, may be established in or over the same and except as may otherwise be provided by any law for the time being in force, vest in and shall be deemed to be, with all rights in or over the same or appertaining thereto, the property of the State Government and all rights held by the holder of the watan in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the State Government, to dispose them of as he deems fit, subject always to the rights of way and of other rights of the public or individuals other than the holder of the watan legally subsisting.]

Special rule of succession to be void.

5. Any provison of law, usage or practice relating to the succession to any watan land where by contrary to the personal law governing the parties the rule of primogeniture was followed and the female heirs were postponed in favour of male heirs, shall, on and from the appointed day, be void and cease to be in force.

[4][Compensation in lieu of cash allowance or land revenue.]

6. Notwithstanding anything contained in any law, usage, settlement, grant, sanad or order,—

(*1*) a sum equal to seven times the amount of the cash allowance due to a holder on the appointed day of a watan in respect of which a commutation settlement has been effected, shall be paid to such holder ;

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[1] These words were substituted for the words "three years" by Bom. 29 of 1954, s. 2.

[2] These words, brackets and figures were substituted for the word, brackets and figure "sub-section (*2*)" by Bom. 38 of 1953, s. 3 and second Schedule.

[3] This section was inserted by Bom. 50 of 1955, s. 5.

[4] This marginal note was substituted for the original, by Bom. 38 of 1953, s. 3 and second schedule.

(*2*) in the case of any land or village, in respect of which the watan property consists of the whole or a part of the land revenue of such land or village, [1][a sum equal to ten times the amount of such land revenue shall be paid to the holder and if the holder dies before the payment of such sum, to his heir or heirs, after deducting therefrom the amount of cash allowance, if any, paid to such holder or heir or heirs, as the case may be, during the period between the appointed day and the date on which the Bombay Land Tenures Abolition (Amendment) Act, 1953, came into force]. Bom. XXXVIII of 1953.

Explanation.—For the purposes of this section the expression "holder" shall have the same meaning as is assigned to it in sub-section (*4*) of section 15 of the Watan Act.

Compensation to the representative watandar.

[2][**7.** In the case of a person who has been registered as a representative watandar immediately before the appointed day and who in consequence of the coming into force of this Act ceases to be entitled to the right to perform the duties of the office of a hereditary village accountant, a sum equal to seven times the total amount of the emoluments payable annually in cash to the representative watandar performing such service in the year immediately preceding the year in which this Act comes into force shall be paid to such representative watandar as compensation and if such watandar dies before the payment of the sum to him, his heir or heirs shall be paid such sum, after deducting therefrom the amount of compensation, if any, received by the representative watandar or his heir or heirs as the case may be, during the period between the appointed day and the date on which the Bombay Land Tenures Abolition (Amendment) Act, 1953, came into force. Bom. XXXVIII of 1953.

Explanation.— For the purposes of this section, a deputy or substitute officiating for the representative watandar shall not be entitled to receive such sum.]

Application of Bombay Tenancy and Agricultural Lands Act, 1948.

8. If any watan land has been lawfully leased and such lease is subsisting on the appointed day, the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, shall apply to the said lease and the rights and liabilities of the holder of such land and his tenant or tenants shall, subject to the provisions of this Act, be governed by the provisions of the said Act. Bom. LXVII of 1948.

Explanation.— For the purposes of this section the expression 'land' shall have the same meaning as is assigned to it in the Bombay Tenancy and Agricultural Lands Act, 1948. Bom. LXVII of 1948.

Method of compensation for the abolition etc. of other rights in land.

9. (*1*) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to or interest in property and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act such person may apply to the Collector for compensation.

(*2*) An application under sub-section (*1*) shall be made to the Collector in a prescribed form [3][on or before the 30th day of April 1954 [4][Provided that where any person is aggrieved by the provisions of section 4A as abolishing, extinguishing

[1] This portion was substituted for the portion beginning with the words "a sum equal to the amount of such land revenue" and ending with the words "until the expiry of the said period of ten years", by Bom. 38 of 1953, s. 3 and second schedule

[2] Section 7 was substituted for the original, *ibid.*

[3] These words, figures and letters were substituted for the words, letters and figures "on or before the 31st day of March 1952" *ibid*

[4] This portion was inserted by Bom. 50 of 1955, s. 6 (*1*).

or modifying any of his rights to or interest in property, such application shall be made within twelve months from the date on which the Bombay Paragana and Kulkarni Watans (Abolition) (Amendment) Act, 1955, comes into force.] The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sections 23 (*1*) and 24 of the Land Acquisition Act, 1894, [1][subject to the following conditions, namely :—

Bom. 50 of 1955.

I of 1894.

(*i*) if the property in question is land over which the public has been enjoying or has acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment, leviable in the village for uncultivated land in accordance with the rules made under the Code or if such rules do not provide for the levy of such assessment, such amount as in the opinion of the Collector shall be the market value of the right or interest held by the claimant ;

(*ii*) if there are any trees or structures on the land, the amount of compensation shall be the market value of such trees or structures, as the case may be.]

(*3*) Nothing in this section shall entitle any person to compensation on the ground that any watan land which was wholly or partially exempt from the payment of land revenue has been under the provisions of this Act subjected to the payment of full assessment in accordance with the provisions of the Code.

(*4*) Any person aggrieved by the award of the Collector made under sub-section (*2*) may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, within 60 days from the date of the award.

Bom. XII of 1939.

(*5*) In deciding appeals under sub-section (*4*) the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which the Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

V of 1908.

(*6*) In computing the period for filing appeals the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the appeals made under this section.

IX of 1908.

[1] This portion was inserted by Bom. 50 of 1955, s. 6(*2*).

VII of 1870.

10. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. Court fees.

11. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court. Finality of award of Collector and decision of Revenue Tribunal.

12. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. Inquiries and proceedings to be judicial proceedings.

XLV of 1860.

13. The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall when finally made be published in the *Official Gazette*. Rules.

14. (*1*) The provisions of the enactments specified in Schedule I shall cease to apply to Paragana and Kulkarni watans. Discontinuance of application of and amendment of certain laws.

(*2*) The provisions of the enactment specified in Schedule II shall be amended to the extent specified in column 4 of the said Schedule.

(*3*) Nothing in sub-sections (*1*) and (*2*) shall be deemed to affect—

(*a*) any obligation or liability already incurred before the coming into force of this Act;

(*b*) any proceeding in respect of such obligation or liability;

(*c*) anything done in the course of such proceeding in any Court on the aforesaid date, and any such proceeding may be continued, as if this Act had not been passed.

SCHEDULE I.

ENACTMENTS WHICH SHALL CEASE TO APPLY TO PARAGANA AND KULKARNI WATANS.

(Section 14.)

Year.	No.	Short title.	Extent of cessation of application.
1852	XI	The Bombay Rent-free Estates Act, 1852.	The whole Act ceases to apply.
1863	II	The Exemptions from Land-revenue (No. 1) Act, 1863.	Do.
1863	VII	The Exemptions from Land-revenue (No. 2) Act, 1863.	Do.
1874	III	The Bombay Hereditary Offices Act, 1874.	Do.
1886	V	The Bombay Hereditary Offices (Amendment) Act, 1886.	Do.

SCHEDULE II.

ENACTMENT AMENDED.

(Section 14.)

Year.	No.	Short title.	Extent of amendment.
1879	V	The Bombay Land Revenue Code, 1879.	(*i*) For section 16 the following shall be substituted, namely :—
			Appointment of village accountant and stipendiary patel. "16. It shall be lawful for the State Government to appoint a village accountant for a village or a group of villages. In villages where no hereditary patel exists, it shall be lawful for the State Government to appoint a stipendiary patel. The village accountant and the patel shall perform all the duties including the duties of village accountant or hereditary patel as hereinafter prescribed by this Act or any other law for the time being in force and shall hold their situations under the rules in force with regard to subordinate revenue officers.
			Nothing in this section shall be held to affect any subsisting rights of holders of alienated villages or others in respect of the appointment of patels and village accountants in any alienated or other villages.";
			(*ii*) In sections 58, 85 and 94A for the words "hereditary village accountant" or "hereditary accountant", wherever they occur, the words "village accountant" or "accountant", as the case may be, shall be substituted.